

REFERENCE TITLE: certificates of operation; interfacility transfers

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2290

Introduced by
Representatives Kolodin: Jones, Martinez, McGarr, Parker B, Peña, Smith,
Wilmeth; Senator Burch

AN ACT

AMENDING SECTIONS 36-2201 AND 36-2240, ARIZONA REVISED STATUTES; AMENDING
TITLE 36, CHAPTER 21.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1;
RELATING TO EMERGENCY MEDICAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2201, Arizona Revised Statutes, is amended to
3 read:

4 36-2201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administrative medical direction" means supervision of
7 emergency medical care technicians by a base hospital medical director,
8 administrative medical director or basic life support medical director.
9 For the purposes of this paragraph, "administrative medical director"
10 means a physician who is licensed pursuant to title 32, chapter 13 or 17
11 and who provides direction within the emergency medical services and
12 trauma system.

13 2. "Advanced emergency medical technician" means a person who has
14 been trained in an advanced emergency medical technician program certified
15 by the director or in an equivalent training program and who is certified
16 by the director to render services pursuant to section 36-2205.

17 3. "Advanced life support" means the level of assessment and care
18 identified in the scope of practice approved by the director for the
19 advanced emergency medical technician, emergency medical technician I-99
20 and paramedic.

21 4. "Advanced life support base hospital" means a health care
22 institution that offers general medical and surgical services, that is
23 certified by the director as an advanced life support base hospital and
24 that is affiliated by written agreement with a licensed ambulance service,
25 municipal rescue service, fire department, fire district or health
26 services district for medical direction, evaluation and control of
27 emergency medical care technicians.

28 5. "Ambulance":

29 (a) Means any publicly or privately owned surface, water or air
30 vehicle, including a helicopter, that contains a stretcher and necessary
31 medical equipment and supplies pursuant to section 36-2202 and that is
32 especially designed and constructed or modified and equipped to be used,
33 maintained or operated primarily to transport individuals who are sick,
34 injured or wounded or who require medical monitoring or aid.

35 (b) Does not include a surface vehicle that is owned and operated
36 by a private sole proprietor, partnership, private corporation or
37 municipal corporation for the emergency transportation and in-transit care
38 of its employees or a vehicle that is operated to accommodate an
39 incapacitated person or person with a disability who does not require
40 medical monitoring, care or treatment during transport and that is not
41 advertised as having medical equipment and supplies or ambulance
42 attendants.

1 6. "Ambulance attendant" means any of the following:

2 (a) An emergency medical technician, an advanced emergency medical
3 technician, an emergency medical technician I-99 or a paramedic whose
4 primary responsibility is the care of patients in an ambulance and who
5 meets the standards and criteria adopted pursuant to section 36-2204.

6 (b) An emergency medical responder who is employed by an ambulance
7 service operating under section 36-2202 and whose primary responsibility
8 is driving an ambulance.

9 (c) A physician who is licensed pursuant to title 32, chapter 13
10 or 17.

11 (d) A professional nurse who is licensed pursuant to title 32,
12 chapter 15 and who meets the state board of nursing criteria to care for
13 patients in the prehospital care system.

14 (e) A professional nurse who is licensed pursuant to title 32,
15 chapter 15 and whose primary responsibility is the care of patients in an
16 ambulance during an interfacility transport.

17 7. "Ambulance service" means a person who owns and operates one or
18 more ambulances.

19 8. "Basic life support" means the level of assessment and care
20 identified in the scope of practice approved by the director for the
21 emergency medical responder and emergency medical technician.

22 9. "Bureau" means the bureau of emergency medical services and
23 trauma system in the department.

24 10. "Centralized medical direction communications center" means a
25 facility that is housed within a hospital, medical center or trauma center
26 or a freestanding communication center that meets the following criteria:

27 (a) Has the ability to communicate with ambulance services and
28 emergency medical services providers rendering patient care outside of the
29 hospital setting via radio and telephone.

30 (b) Is staffed twenty-four hours a day seven days a week by at
31 least a physician licensed pursuant to title 32, chapter 13 or 17.

32 11. "Certificate of necessity" means a certificate that is issued
33 to an ambulance service by the department and that describes the
34 following:

35 (a) The service area.

36 (b) The level of service.

37 (c) The type of service.

38 (d) The hours of operation.

39 (e) The effective date.

40 (f) The expiration date.

41 (g) The legal name and address of the ambulance service.

42 (h) The any limiting or special provisions the director prescribes.

43 12. "CERTIFICATE OF OPERATION" MEANS A CERTIFICATE THAT IS ISSUED
44 PURSUANT TO SECTION 36-2255 TO AN ELIGIBLE ENTITY BY THE DEPARTMENT FOR
45 INTERFACILITY TRANSPORTS.

1 ~~12.~~ 13. "Council" means the emergency medical services council.
2 ~~13.~~ 14. "Department" means the department of health services.
3 ~~14.~~ 15. "Director" means the director of the department of health
4 services.
5 16. "DIRECT OWNER" HAS THE SAME MEANING PRESCRIBED IN SECTION
6 36-401.
7 17. "ELIGIBLE ENTITY" MEANS A DIRECT OWNER OR AN INDIRECT OWNER OF
8 A HOSPITAL.
9 ~~15.~~ 18. "Emergency medical care technician" means an individual
10 who has been certified by the department as an emergency medical
11 technician, an advanced emergency medical technician, an emergency medical
12 technician I-99 or a paramedic.
13 ~~16.~~ 19. "Emergency medical responder" as an ambulance attendant,
14 whose primary responsibility is driving an ambulance, means a person who
15 has successfully completed training in an emergency medical responder
16 program that is certified by the director or is approved by the emergency
17 medical services provider's administrative medical director on file with
18 the department or in an equivalent training program.
19 ~~17.~~ 20. "Emergency medical responder program" means a program that
20 includes at least the following:
21 (a) Emergency vehicle driver training.
22 (b) Cardiopulmonary resuscitation certification.
23 (c) Automated external defibrillator training.
24 (d) Training in the use of noninvasive diagnostic devices,
25 including blood glucose monitors and pulse oximeters.
26 (e) Training on obtaining a patient's vital signs, including blood
27 pressure, pulse and respiratory rate.
28 ~~18.~~ 21. "Emergency medical services" means those services required
29 following an accident or an emergency medical situation:
30 (a) For on-site emergency medical care.
31 (b) To transport the sick or injured by a licensed ground or air
32 ambulance.
33 (c) In using emergency communications media.
34 (d) In using emergency receiving facilities.
35 (e) In administering initial care and preliminary treatment
36 procedures by emergency medical care technicians.
37 ~~19.~~ 22. "Emergency medical services provider" means any
38 governmental entity, quasi-governmental entity or corporation whether
39 public or private that renders emergency medical services in this state.
40 ~~20.~~ 23. "Emergency medical technician" means a person who has been
41 trained in an emergency medical technician program certified by the
42 director or in an equivalent training program and who is certified by the
43 director as qualified to render services pursuant to section 36-2205.

1 ~~21.~~ 24. "Emergency receiving facility" means a licensed health
2 care institution that offers emergency medical services, is staffed
3 twenty-four hours a day and has a physician on call.

4 ~~22.~~ 25. "Fit and proper" means that the director determines that
5 an applicant for a certificate of necessity or a certificate holder has
6 the expertise, integrity, fiscal competence and resources to provide
7 ambulance service in the service area.

8 26. "HOSPITAL" MEANS A CLASS OF HEALTH CARE INSTITUTIONS THAT
9 PROVIDE, THROUGH AN ORGANIZED MEDICAL STAFF, INPATIENT BEDS, MEDICAL
10 SERVICES, CONTINUOUS NURSING SERVICES AND DIAGNOSIS AND TREATMENT TO
11 PATIENTS.

12 27. "INDIRECT OWNER" HAS THE SAME MEANING PRESCRIBED IN SECTION
13 36-401.

14 28. "INTERFACILITY TRANSPORT" MEANS AN AMBULANCE TRANSPORT OF A
15 PATIENT FROM A HEALTH CARE INSTITUTION TO ANOTHER HEALTH CARE INSTITUTION.

16 ~~23.~~ 29. "Medical record" means any patient record, including
17 clinical records, prehospital care records, medical reports, laboratory
18 reports and statements, any file, film, record or report or oral
19 statements relating to diagnostic findings, treatment or outcome of
20 patients, whether written, electronic or recorded, and any information
21 from which a patient or the patient's family might be identified.

22 ~~24.~~ 30. "National certification organization" means a national
23 organization that tests and certifies the ability of an emergency medical
24 care technician and whose tests are based on national education standards.

25 ~~25.~~ 31. "National education standards" means the emergency medical
26 services education standards of the United States department of
27 transportation or other similar emergency medical services education
28 standards developed by that department or its successor agency.

29 ~~26.~~ 32. "Paramedic" means a person who has been trained in a
30 paramedic program certified by the director or in an equivalent training
31 program and who is certified by the director to render services pursuant
32 to section 36-2205.

33 ~~27.~~ 33. "Physician" means any person licensed pursuant to title
34 32, chapter 13 or 17.

35 ~~28.~~ 34. "Police dog":

36 (a) Means a specially trained dog that is owned or used by a law
37 enforcement department or agency of this state or any political
38 subdivision of this state and that is used in the course of the
39 department's or agency's official work.

40 (b) Includes a search and rescue dog, service dog, accelerant
41 detection canine or other dog that is in use by the law enforcement
42 department or agency for official duties.

43 ~~29.~~ 35. "Stretcher van" means a vehicle that contains a stretcher
44 and that is operated to accommodate an incapacitated person or person with

1 a disability who does not require medical monitoring, aid, care or
2 treatment during transport.

3 ~~30.~~ 36. "Suboperation station" means a physical facility or
4 location at which an ambulance service conducts operations for the
5 dispatch of ambulances and personnel and that may be staffed twenty-four
6 hours a day or less as determined by system use.

7 ~~31.~~ 37. "Trauma center" means any acute care hospital that
8 provides in-house twenty-four-hour daily dedicated trauma surgical
9 services that is designated pursuant to section 36-2225.

10 ~~32.~~ 38. "Trauma registry" means data collected by the department
11 on trauma patients and on the incidence, causes, severity, outcomes and
12 operation of a trauma system and its components.

13 ~~33.~~ 39. "Trauma system" means an integrated and organized
14 arrangement of health care resources having the specific capability to
15 perform triage, transport and provide care.

16 ~~34.~~ 40. "Validated testing procedure" means a testing procedure
17 that includes practical skills, or attests practical skills proficiency on
18 a form developed by the department by the educational training program,
19 identified pursuant to section 36-2204, paragraph 2, that is certified as
20 valid by an organization capable of determining testing procedure and
21 testing content validity and that is recommended by the medical direction
22 commission and the emergency medical services council before the
23 director's approval.

24 ~~35.~~ 41. "Wheelchair van" means a vehicle that contains or that is
25 designed and constructed or modified to contain a wheelchair and that is
26 operated to accommodate an incapacitated person or person with a
27 disability who does not require medical monitoring, aid, care or treatment
28 during transport.

29 Sec. 2. Section 36-2240, Arizona Revised Statutes, is amended to
30 read:

31 36-2240. Fees

32 Fees not to exceed the following amounts shall be paid by the owner
33 of an ambulance service to the department for deposit in the state general
34 fund to be available for legislative appropriation in order to carry out
35 ~~the provisions of~~ this chapter:

36 1. ~~One hundred dollars upon~~ \$100 ON filing an application for a
37 certificate of necessity OR CERTIFICATE OF OPERATION.

38 2. ~~Fifty dollars upon~~ \$50 ON filing an application to amend,
39 transfer or renew a certificate of necessity OR CERTIFICATE OF OPERATION.

40 3. For the issuance of an initial certificate of necessity OR
41 CERTIFICATE OF OPERATION, ~~two hundred dollars~~ \$200 for each ambulance
42 proposed to be operated by the ambulance service to which the certificate
43 is granted.

44 4. An annual regulatory fee of ~~two hundred dollars~~ \$200 for each
45 ambulance issued a certificate of registration pursuant to section

1 36-2212, to be collected at the same time as the certificate of
2 registration fee imposed by section 36-2212.

3 Sec. 3. Title 36, chapter 21.1, Arizona Revised Statutes, is
4 amended by adding article 2.1, to read:

5 ARTICLE 2.1. CERTIFICATES OF OPERATION

6 36-2255. Application for certificate of operation;
7 interfacility transports; exemption

8 A. ANY ELIGIBLE ENTITY THAT WISHES TO OPERATE AN AMBULANCE SERVICE
9 IN THIS STATE TO PROVIDE INTERFACILITY TRANSPORTS SHALL APPLY TO THE
10 DEPARTMENT ON A FORM PRESCRIBED BY THE DIRECTOR FOR A CERTIFICATE OF
11 OPERATION.

12 B. AN ELIGIBLE ENTITY MAY OPERATE AN AMBULANCE SERVICE DIRECTLY OR
13 THROUGH A SERVICE CONTRACT WITH A SERVICE PROVIDER REGISTERED IN THIS
14 STATE IN ACCORDANCE WITH SECTION 36-2212.

15 C. CERTIFICATE OF OPERATION HOLDERS MAY, BUT NEED NOT, BILL FOR
16 SERVICES PROVIDED, AT NOT MORE THAN THE APPLICABLE RATE OR CHARGE APPROVED
17 BY THE DIRECTOR.

18 D. CERTIFICATE OF OPERATION HOLDERS SHALL COMPLY WITH THE
19 CERTIFICATE OF REGISTRATION REQUIREMENTS PRESCRIBED IN SECTION 36-2212.

20 E. CERTIFICATE OF OPERATION HOLDERS ARE EXEMPT FROM THE CERTIFICATE
21 OF NECESSITY REQUIREMENTS PRESCRIBED IN SECTION 36-2233.

22 36-2256. Initial certificate of operation; term; renewal

23 A. WITHIN FORTY-FIVE DAYS AFTER RECEIVING AN APPLICATION FROM AN
24 ELIGIBLE ENTITY FOR A CERTIFICATE OF OPERATION, THE DIRECTOR SHALL ISSUE A
25 CERTIFICATE OF OPERATION IF ALL THE FOLLOWING REQUIREMENTS ARE MET:

26 1. THE DIRECTOR FINDS THAT THE APPLICANT HAS THE EXPERTISE,
27 INTEGRITY, FISCAL COMPETENCE AND RESOURCES TO PROVIDE INTERFACILITY
28 TRANSPORT SERVICES.

29 2. THE APPLICANT PAYS THE APPROPRIATE FEES PURSUANT TO SECTION
30 36-2240.

31 3. THE APPLICANT FILES A SURETY BOND PURSUANT TO SECTION 36-2257.

32 B. IF THE DIRECTOR FAILS TO MAKE A DETERMINATION WITHIN SIXTY
33 CALENDAR DAYS AFTER RECEIVING AN APPLICATION FOR A CERTIFICATE OF
34 OPERATION, THE CERTIFICATE OF OPERATION IS DEEMED GRANTED.

35 C. THE INITIAL CERTIFICATE OF OPERATION ISSUED TO EACH ELIGIBLE
36 ENTITY IS FOR A TERM OF ONE YEAR.

37 D. WITHIN NINETY DAYS BEFORE THE EXPIRATION OF A CERTIFICATE OF
38 OPERATION, THE DIRECTOR SHALL RENEW THE CERTIFICATE OF OPERATION FOR A
39 TERM OF THREE YEARS IF THE CERTIFICATE OF OPERATION HOLDER MEETS ALL
40 REQUIREMENTS, APPLIES FOR A RENEWAL AND PAYS THE FEES PRESCRIBED IN
41 SECTION 36-2240.

42 36-2257. Eligible entities; required insurance; financial
43 responsibility or bond; revocation

44 A. THE DIRECTOR MAY NOT ISSUE A CERTIFICATE OF OPERATION TO AN
45 ELIGIBLE ENTITY UNLESS THE ELIGIBLE ENTITY HAS FILED WITH THE DEPARTMENT A

1 CERTIFICATE OF INSURANCE OR OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY
2 EQUIVALENT TO THAT WHICH IS REQUIRED FOR A CERTIFICATE OF NECESSITY
3 PURSUANT TO SECTION 36-2237. THE LIABILITY INSURANCE SHALL BIND THE
4 INSURER TO PAY COMPENSATION FOR INJURIES TO PERSONS AND FOR LOSS OR DAMAGE
5 TO PROPERTY RESULTING FROM THE NEGLIGENT OPERATION OF THE AMBULANCE
6 SERVICE.

7 B. THE DIRECTOR SHALL REVOKE THE CERTIFICATE OF OPERATION OF ANY
8 ELIGIBLE ENTITY THAT FAILS TO COMPLY WITH THIS SECTION.

9 36-2258. Eligible entities; name change; amended certificate
10 of operation

11 AT LEAST THIRTY DAYS BEFORE THE DATE AN ELIGIBLE ENTITY THAT HOLDS A
12 CERTIFICATE OF OPERATION CHANGES ITS LEGAL NAME, THE ELIGIBLE ENTITY SHALL
13 SEND THE DEPARTMENT WRITTEN NOTICE OF THE NAME CHANGE. WITHIN THIRTY DAYS
14 AFTER THE DATE OF RECEIVING THE NOTICE, THE DEPARTMENT SHALL ISSUE AN
15 AMENDED CERTIFICATE OF OPERATION THAT INCORPORATES THE NAME CHANGE BUT
16 RETAINS THE EXPIRATION DATE OF THE CURRENT CERTIFICATE OF OPERATION.